

# RULE

## Department of Economic Development Real Estate Commission

### Adjudicatory Proceedings (LAC 46:LXVII.4707)



Notice is hereby given that the Real Estate Commission has adopted amendments and changes to the existing rules and regulations of the agency: LAC 46:LXVII, Subpart 1, Chapter 47, Investigations and Hearings.

#### **Title 46** **PROFESSIONAL AND OCCUPATIONAL** **STANDARDS** **Part LXVII. Real Estate** **Subpart 1. Real Estate**

#### **Chapter 47. Investigations and Hearings**

#### **§4707. Adjudicatory Proceedings**

When, as a result of an investigation, it appears that violations of the Louisiana Real Estate License Law may have been committed by a licensee, registrant or certificate holder, the violations may be adjudicated through informal or formal adjudicatory proceedings.

##### **1. Informal Adjudicatory Proceedings**

a. The complaint may be concluded informally without public hearing on the recommendation of the hearing examiner and the concurrence of the executive director.

b. A preliminary notice of adjudication will be issued to advise the respondent of the violation or violations alleged and to advise the respondent that the matter can be resolved informally should the respondent desire to admit to committing the act or acts specified and submits a written request that the matter be resolved informally.

c. A hearing officer will be appointed by the executive director to conduct an informal hearing with the respondent.

d. The informal hearing will be attended by the case investigator, who will respond to questions concerning the investigation which resulted in the allegations, and the hearing examiner, who will inform the hearing officer of the administrative, jurisdictional, and other matters relevant to the proceedings. No evidence will be presented, no witnesses will be called and no formal transcript of the proceedings will be prepared by the commission. Statements made during the informal proceedings may not be introduced at any subsequent formal adjudicatory proceedings without the written consent of all parties to the informal hearing.

e. If the informal hearing results in an admission by the respondent that violations were committed as alleged, the hearing officer may enter into a recommended stipulations and consent order to include the imposition of any sanctions authorized by the Louisiana Real Estate License Law. In the written document the respondent must stipulate to having committed an act or acts in violation of the license law or the rules and regulations of the commission, accept the sanctions recommended by the hearing officer, and waive any rights to request a rehearing, reopening, or reconsideration by the commission, and the right to judicial appeal of the consent order.

f. If at the informal hearing the respondent does not admit to having committed the act or acts specified, does not accept the sanctions recommended by the hearing officer, or does not waive the specified appellate rights, the alleged violations will be referred to the commission along with a recommendation for a formal adjudicatory hearing.

g. If the respondent does execute a stipulations and consent order, the executive director shall submit the document to the commission at the next regular meeting for approval and authorization for the executive director to execute the consent order in the name of the commission.

h. The actions of the commission relative to all consent orders shall be noted in the minutes of the meeting at which the consent order is approved and authorization is granted to the executive director to execute the order in the name of the commission.

i. Any consent order executed as a result of an informal hearing shall be effective on the date approved by the commission.

j. Repeal.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435 and R.S. 37:1453.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 15:1057 (December 1989), amended LR 21:460 (May 1995), repromulgated LR 21:932 (September 1995), repromulgated LR 22: (February 1996).

